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DLA PIPER RUDNICK GRAY CARY US, LLP
2000 UNIVERSITY AVENUE
E. PALO ALTO, CA 94303-2248

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OFFICE OF PETITIONS

In re Application of Ya-Fen et al.	:	
Application No. 10/797,207	:	Decision on Petition
Filing Date: March 9, 2004	:	
Attorney Docket No. 2102397-992990	:	

This is a decision on the petition under 37 CFR 1.137(a), filed August 31, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

A Notice of Allowance and a Notice of Allowability were mailed on January 31, 2005.

The issue fee and publication fee were not timely received.

The application became abandoned as of midnight on April 30, 2005.

A Notice of Abandonment was mailed on July 8, 2005.

Petitioner contends the issue fee and publication fee were timely and properly mailed to the Office on April 25, 2005.

On or about July 19, 2005, the papers mailed by petitioner on April 25, 2005, were returned in a mangled form. The outside of the envelope stated the envelope was not deliverable as addressed.

Upon receipt of the petition, the petition and other papers were scanned into an electronic file wrapper by the USPTO. As a result, the copy of the envelope is illegible. A review of the electronic image indicates the zip code on the envelope may be correct. If the zip code is incorrect, petitioner may provide an unavoidable showing by establishing petitioner was reasonable in relying on the person who typed the address not to make mistakes. Petitioner may wish to briefly discuss the experience and past performance of the employee. Since the mistake, if one exists, was a typographical error, the amount of evidence needed regarding the employee who made the error is minimal.

A copy of the issue fee transmittal form mailed April 25, 2005, is requested. A review of the copy will allow the Office to note the certificate of mailing date on the form. In addition, petitioner apparently wishes for assignee information and attorney information to appear on the front of the patent.

A decision of the petition under 37 CFR 1.137(b), filed in the alternative, will be held in abeyance. Therefore, if the renewed petition is granted under 37 CFR 1.137(a), the \$1,500 fee for a petition under 37 CFR 1.137(b) will not be charged to petitioner's deposit account.

The \$500 fee for the petition under 37 CFR 1.137(a) has been charged to petitioner's deposit account.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)."

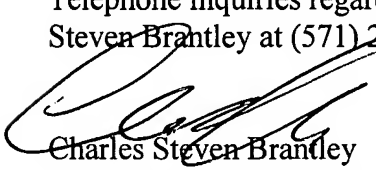
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
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401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions